

**RECEIVED
CENTRAL FAX CENTER****OCT 30 2006**Patent

112.P14046

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-20 are pending in the application. Claims 7- 20 have been cancelled. Assignee submits that cancellation of subject matter above is without prejudice as the same or similar subject matter is intended to be pursued in a Continuation Application based on the present application.

Claims 1-6 have been amended. The amendment is fully supported by the original disclosure. No new matter has been introduced. The above amendments were, in many instances, made to clarify Assignee's claims and do not narrow the scope of the amended claims. In light of this, Assignee asserts that no prosecution history estoppel should result from the above amendments, in many instances.

Objections to the Specification and claims for informalities

The Examiner has objected to the term "liner light source" in the specification as well as in the claim. The Examiner has suggested that "linear light source" might be a more appropriate term.

In response, Assignee has amended the specification and claims to now recite a "linear light source". Such a change is supported by the Abstract, for example.

112.P14046

RECEIVED
CENTRAL FAX CENTER Patent

OCT 30 2006

Claim rejections – 35 USC §102

Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasagawa et al. (U.S. Patent No. 6,454,452).

Assignee respectfully submits that Sasagawa does not disclose all of the elements of independent claim 1. The Examiner is kindly reminded that the Examiner's initial burden of factually supporting any conclusion of anticipation includes that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (See MPEP § 2131.01.)

For example, Examiner has not established that Sasagawa discloses "*a plurality of transparent element structures, disposed within the plurality of notches, wherein a reflective index of the plurality of transparent element structures is different from that of the light guide plate*", as recited in claim 1. In the Office Action the Examiner has asserted that:

Sasagawa discloses a light guide plate structure [back light device, entire patent, e.g., Figures 1-2B] comprising: a light guide plate, comprising at least one light incident surface, a light scattering surface, 24, and a light emitting surface, top, wherein the light incident surface, 20, is on a sidewall of the light guide plate, the light scattering surface is on a bottom surface of the light guide plate, the light emitting surface is on a top surface of the light guide plate, wherein the light scattering surface has a plurality of notches; and a plurality of transparent elements [air], disposed within the plurality of notches, wherein a reflective index of the plurality of transparent elements is different from that of the light guide plate. (See page 4 of the Office Action, emphasis added.)

Assignee cannot agree. Specifically, the Examiner has provided no support from Sasagawa anticipating "*a plurality of transparent element structures, disposed within the plurality of notches*", as is claimed. For example, the Examiner has provided no support from Sasagawa for the Examiner's assertion that there is "air" disposed within the plurality of notches. Further, the Examiner's assertion that there is "air" disposed within the plurality of notches is insufficient to anticipate "*a plurality of transparent element structures, disposed within the plurality of*

RECEIVED
CENTRAL FAX CENTER

112.P14046

OCT 30 2006

Patent

notches", as is claimed. In the absence of the Examiner pointing to such a disclosure in Sasagawa, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Sasagawa discloses the identical invention as is required for anticipation. See MPEP § 2131.

Likewise, claims 3, 4, and 6 distinguish from Sasagawa on at least the same or similar basis as claim 1. Therefore, Assignee respectfully requests that Examiner's rejection of claims 3, 4, and 6 be withdrawn.

Claim rejections – 35 USC §103

Claim 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasagawa et al. in view of Pelka et al. (U.S. Patent No. 6,647,199).

In response, Assignee respectfully submits that claims 2 and 5 are not obvious, at least on the same or similar basis as claim 1 as set forth above with respect to the anticipation rejection in view of Sasagawa. The Examiner is kindly reminded that the Examiner's initial burden of factually supporting any *prima facie* conclusion of obviousness includes that:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (See MPEP § 2143.03.)

Specifically, the Examiner has failed to establish that Sasagawa teaches or suggests "*a plurality of transparent element structures, disposed within the plurality of notches*", as recited in independent claim 1. Additionally, the Examiner has not established that Pelka cures Sasagawa of this failure. In the absence of the Examiner pointing to such a suggestion, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders claims 2 and 5 obvious.

112.P14046

Patent

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

112.P14046

RECEIVED
CENTRAL FAX CENTER *Patent*
OCT 30 2006

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503) 439-6500 if there remains any issue with allowance.

Respectfully submitted,
Attorney for Assignee

Dated: October 30, 2006

/James J. Lynch Reg. No. 50,153/
James J. Lynch
Reg. No. 50,153

Customer Number: 00043831

Berkeley Law and Technology Group, LLC
1700 NW 167th Place, Suite 240
Beaverton, OR 97006
503.439.6500